IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 31075 of 2007(Y)

OPMV.1171/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PERUMBAVOOR
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PETITIONERS:
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1. **THANKAMMA, W/O LATE SURENDRAN, PALATHUMKUDY HOUSE, ETTAKKADAVU, NEELESWARAM, KALADY.**

2. **SUBHISH, S/O LATE SURENDRAN, PALATHUMKUDY HOUSE, ETTAKKADAVU, NEELESWARAM, KALADY.**

BY ADV. SRI.RAJESH VIJAYAN

RESPONDENTS:
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1. **AYYAPPAN, S/O MAKKOTHA, ALLAPRAKOTTAM VEEDU, NAMBILLY, OKKAL, CHELAMATTOM.**

2. **THE MANAGER, NATIONAL INSURANCE CO., P.B.NO.24, MULLAPPILLY BUILDINGS, A.M.ROAD, PERUMBAVOOR, 683542.**

3. **THE MANAGER, THE ORIENTAL INSURANCE CO. LTD., PATTAMANA BUILDINGS, P.B.NO.49, RAILWAY STATION ROAD, ALUVA.**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 31075 OF 2007 Y
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Dated this the 19th day of October, 2007

J U D G M E N T

Petitioners are the legal heirs of one Surendran, who died in a motor accident that occurred on 14/2/2000. In OP(MV) No.1171/00 filed before the MACT, Perumbavoor, an award was passed in terms of which, deposit of Rs.1,15,648/- in the account of the 1st petitioner and Rs.1,20,021/- in favour of the 2nd petitioner has been made and the said amount is remaining in deposit now. By referring to Ext.P1 agreement, they sought withdrawal of the amounts in deposit by filing Exts. P2 and P3 applications, which have been rejected by the Tribunal by Exts. P4 and P5 orders. It is challenging these orders, the present writ petition has been filed.

2. A reading of Exts. P4 and P5 shows that the Tribunal has rejected the request of the petitioners without assigning any valid reason. When the petitioners have made a solemn affirmation before the Tribunal that they needed release of the

amount for discharging certain liability, Tribunal without any material available with it suggesting the contrary could not have judged on the genuineness of the agreement or the need urged. However, this has been done and on that basis the request has been rejected. In my view, Tribunal ought not have adopted such a technical approach to the issue.

3. In view of this, I do not find any reason to sustain Exts. P4 and P5 and quashing the same, it is directed that the amount available in the name of the petitioners will be allowed to be withdrawn.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp